



BellSouth Telecommunications, Inc  
333 Commerce Street  
Suite 2101  
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

2005 OCT 26 AM 11:26

Guy M. Hicks  
General Counsel  
T.R.A. DOCKET ROOM  
615 214 6301  
Fax 615 214 7406

October 26, 2005

VIA HAND DELIVERY

Hon. Ron Jones  
Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

Re: *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and DIECA Communications, Inc. d/b/a Covad Communications Company Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*  
Docket No. 05-00298

Dear Chairman Jones:

Pursuant to Section 252(e) of the Telecommunications Act of 1996, DIECA Communications, Inc. d/b/a Covad Communications Company and BellSouth Telecommunications, Inc. are hereby submitting to the Tennessee Regulatory Authority the original and fourteen copies of an executed Amendment to the Interconnection Agreement dated December 19, 2001. The Amendment modifies the Notice provision in the Agreement.

Thank you for your attention to this matter.

Sincerely yours,

Guy M. Hicks

cc Douglas Carlen, Esq., Covad Communications Company  
William H. Weber, Covad Communications Company

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In re: *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and DIECA Communications, Inc. d/b/a Covad Communications Company Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*

Docket No. \_\_\_\_\_

**PETITION FOR APPROVAL OF THE  
AMENDMENT TO THE INTERCONNECTION AGREEMENT  
NEGOTIATED BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC.  
AND DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS  
COMPANY PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996**

COME NOW, DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad") and BellSouth Telecommunications, Inc., ("BellSouth"), and file this request for approval of the Amendment to the Interconnection Agreement dated December 19, 2001 (the "Amendment") negotiated between the two companies pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, (the "Act"). In support of their request, Covad and BellSouth state the following:

1. Covad and BellSouth have successfully negotiated an agreement for interconnection of their networks, the unbundling of specific network elements offered by BellSouth and the resale of BellSouth's telecommunications services to Covad. The Interconnection Agreement was approved by the Tennessee Regulatory Authority ("TRA") on February 23, 2004.

2. The parties have recently negotiated an Amendment to the Agreement which modifies the Notice provision in the Agreement. A copy of the Amendment is attached hereto and incorporated herein by reference.

3. Pursuant to Section 252(e) of the Telecommunications Act of 1996, Covad and BellSouth are submitting their Amendment to the TRA for its consideration and approval. The Amendment provides that either or both of the parties is authorized to submit this Amendment to the TRA for approval.

4. In accordance with Section 252(e) of the Act, the TRA is charged with approving or rejecting the negotiated Amendment between BellSouth and Covad within 90 days of its submission. The Act provides that the TRA may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Covad and BellSouth aver that the Amendment is consistent with the standards for approval.

6. Pursuant to 47 USC Section 252(i) and 47 C.F.R. Section 51.809, BellSouth shall make available the entire Interconnection Agreement filed and approved pursuant to 47 USC Section 252.

Covad and BellSouth respectfully request that the TRA approve the Amendment negotiated between the parties.

This 26 day of Oct, 2005.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC

By: 


Guy M. Hicks  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301  
Attorney for BellSouth

#### CERTIFICATE OF SERVICE

I, Guy M. Hicks, hereby certify that I have served a copy of the foregoing Petition for Approval of the Amendment to the Interconnection Agreement on the following via United States Mail on the 26 day of Oct, 2005:

Douglas Carlen, Esq.  
Assistant General Counsel  
Covad Communications Company  
3420 Central Expressway  
Santa Clara, CA 95051

William H. Weber  
Vice President, External Affairs  
Covad Communications Company  
1230 Peachtree Street, NE  
19<sup>th</sup> Floor, Promenade II  
Atlanta, GA 30309

  
Guy M. Hicks

**Amendment to the Agreement  
Between  
DIECA Communications, Inc. d/b/a Covad Communications Company  
and  
BellSouth Telecommunications, Inc.  
Dated December 19, 2001**

Pursuant to this Amendment, (the "Amendment"), DIECA Communications, Inc d/b/a Covad Communications Company ("Covad"), and BellSouth Telecommunications, Inc ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated December 19, 2001 ("Agreement") to be effective upon the date of the last signature executing the Amendment ("Effective Date")

WHEREAS, BellSouth and Covad entered into the Agreement on December 19, 2001, and,

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows

- 1 The Parties hereby agree to delete Section 21.1 of the General Terms and Conditions and replace it with a new Section 21.1 as follows

"21.1 Every notice, consent or approval of a legal nature, required or permitted by this Agreement shall be in writing and shall be delivered either by hand, by overnight courier or by US mail postage prepaid, or email if an email address is listed below, addressed to

**BellSouth Telecommunications, Inc.**

BellSouth Local Contract Manager  
600 North 19<sup>th</sup> Street, 10<sup>th</sup> Floor  
Birmingham, AL 35203

and

ICS Attorney  
Suite 4300  
675 West Peachtree Street  
Atlanta, GA 30375

**DIECA Communications, Inc. d/b/a Covad Communications Company**

Douglas Carlen, Esq  
110 Rio Robles  
San Jose, CA 95134

and

Colette Davis  
Vice President, External Affairs  
1230 Peachree Street NE  
Suite 1900  
Atlanta, GA 30309

or at such other address as the intended recipient previously shall have designated by written notice to the other Party ”

- 2 All of the other provisions of the Agreement, dated December 19, 2001, shall remain in full force and effect
- 3 Either or both of the Parties are authorized to submit this Amendment to the respective state regulatory authorities for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996

IN WITNESS WHEREOF, the Parties have executed this Amendment the day and year written below.

**BellSouth Telecommunications, Inc.**

By

Name: Kristen Rowe

Title: Director

Date

9/28/05

**DIECA Communications, Inc. d/b/a  
Covad Communications Company**

By:

Name:

Title: SVP, Strategic Development &  
General Counsel

Date:

9/23/05